

NOV 22 2005

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JAMES C. SIMMONS

Name

*James C. Simmons*

Signature

November 22, 2005

Date of signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
Pupko

Serial no: 10/530,859

Filed: April 8, 2005

For: SKI BINDING ADJUSTABLE FOR IMPROVED BALANCE

Art Unit: 3618

**SECOND INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to insure compliance with Applicants' duty of disclosure, enclosed is form PTO/SB/08A (1 sheet) and a copy of the foreign patent reference listed therein.

Applicant has not found any English corresponding patent documents to the cited German patent document 2,064,754. Neither has Applicant obtained or have a translation thereof. Figs. 1 and 2 of the drawings thereof show a boot bound to a plate whose forward end is pivoted or the like to a ski. A member 14 on the ski has serrations which are engaged by projecting member 12 which emanates from heel binding 7 to adjust the height of the heel of the boot. In an alternative embodiment shown in Figs. 3 and 4 thereof, the serrations are located on a member 21

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incorporated in the boot heel and the projecting member emanates from a vertical portion of the plate to which the boot is attached.

This German patent document does not show a plurality of facing serrations on a member extensible from the heel end portion for engaging complementary ones of serrations on a member extendible from the ski, as claimed in claim 1. Neither are the structures of the other pending claims shown. It is therefore respectfully submitted that each of the claims is patentable over this reference.

Also enclosed is a copy of the International Search Report published September 15, 2005. Each U.S. patent cited therein is contained either in this Second Information Disclosure Statement or in the previous Information Disclosure Statement contained in the Preliminary Amendment submitted with the Request for Entering the National Stage. Each of the U.S. patents cited in this Second Information Disclosure Statement is cited in the International Search Report.

This Second Information Disclosure Statement is being submitted before the mailing of a first office action on the merits. Therefore, pursuant to 37 CFR 1.97(b)(3), it is respectfully requested that the listed references be considered during examination of the above-identified application.

The search report states that U.S. patents 4,135,736 to Druss and 4,586,727 to Andrieu et al are documents which when combined render claims 1 to 6 obvious. Druss is discussed in the specification in the paragraph which spans pages 1 and 2. Although Andrieu et al discloses a pair of serrated members which adjustably engage on a ski, neither of the serrated members is disclosed as being attached to a ski boot, as provided by the present invention, and such a structure of Andrieu et al is not directed to height adjustability of the heel end of a ski boot,

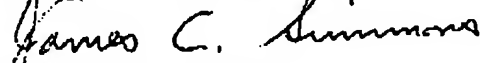
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as also provided by the present invention. While Druss serves a different purpose of taking up play between the boot and ski, the Andrieu et al device also has a different purpose of serving as a support for the standardized smooth zone of the ski-boot sole in order to limit parasitic friction forces and in order to prevent these friction forces from disturbing the operation of the ski binding. See the second paragraph in the Andrieu et al specification. Thus, neither Druss or Andrieu et al is directed to a structure for the height adjustability of the heel end portion of a ski boot, as contemplated by the present invention.

It is respectfully submitted that, in accord with the above comments, the claims, as amended, are unobvious over the references of record and therefore patentable. Accordingly, it is respectfully requested that this application be passed to issue.

Respectfully submitted,



James C. Simmons

Reg. no. 28,474

Enclosures

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PTO/SB/08A (07-05)

Approved for use through 07/31/2008. OMB 0851-0031  
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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

## Complete if Known

Application Number	10/530,859
Filing Date	April 8, 2005
First Named Inventor	Pupko
Art Unit	3818
Examiner Name	
Attorney Docket Number	

Sheet 1 of 1

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US- 6,648,362	11-18-2003	Bunter	
	2	US- 4,002,354	01-11-1977	Ramer	
	3	US- 4,725,089	02-16-1988	Stampacchia et al	
	4	US- 5,394,627	03-07-1995	Eugler	
	5	US- 4,198,530	04-08-1980	Delery	
	6	US- 5,560,633	10-01-1996	McGowan	
	7	US- 4,083,576	04-11-1978	Von Besser	
	8	US- 4,288,093	09-08-1981	Krob et al	
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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	* <sup>6</sup>
	9	DE 2,064,754	07-20-1972	Hell		

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.10 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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